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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,852	12/22/2003	Rocco Dean Gogliotti	PC25547A	9086

28940 7590 04/11/2007  
PFIZER INC  
10555 SCIENCE CENTER DRIVE  
SAN DIEGO, CA 92121

EXAMINER
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COLEMAN, BRENDA LIBBY

ART UNIT	PAPER NUMBER
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1624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/743,852

**Applicant(s)**

GOGLIOTTI ET AL.

**Examiner**

Brenda L. Coleman

**Art Unit**

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 0200.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14,22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Claims 1-14, 22 and 23 are pending in the application.

This action is in response to applicants' amendment dated January 31, 2007.

### ***Response to Arguments***

Applicant's arguments filed January 31, 2007 have been fully considered with the following effect:

1. With regards to the 35 U.S.C. § 103, obviousness rejection as being unpatentable over RUCKLE et al., U.S. Patent Application Publication 2004/0092561, the applicants amendments and remarks have been fully considered but they are not found persuasive. The applicants stated that Ruckle et al. U.S. 2004/0092561 discloses a broad genus. The reference teaches the substituents at the Y<sup>1</sup> position of the 5-membered ring is S, O or NH according to the genus of formula (I) on page 3 of the reference, paragraph 0011. The reference also provides a guidepost wherein Y<sup>1</sup> = S, see page 17, paragraph 0199. The S, O and NH are alternatively useable for the intended purpose, and thus, the reference renders the S the compounds of the instant invention obvious.

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The applicants' also stated that it is believed that the office failed to evaluate the evidence of secondary considerations, such as unexpected superior properties of the compounds of the present invention as P13K gamma inhibitors as evidenced by IC<sub>50</sub> data presented in Table 1 of the originally filed application. It was also stated that the claimed compounds of the present invention, for example, Ex. 17, 18, 34, 37, 55, 69, 77-80 and 96 are about 10-fold more effective inhibitors of P13K gamma than the Ruckle's compounds (page 20, Table 1). The applicants' comparison of their compounds to the IC<sub>50</sub> data of Ruckle's compounds is not on point. The closest compound of Ruckle is Example 11 as indicated by the applicants' and furthermore the Ruckle's Example 1 differs from their Example 2 only by the variable Y<sup>1</sup>, i.e. S vs. O. The IC<sub>50</sub> data of Example 1 and Example 2 is within error and is equivalent with respect to the variable Y<sup>1</sup> wherein the only difference between Example 1 and Example 2 is the variable Y<sup>1</sup> where Y<sup>1</sup> in Example 1 is O and Y<sup>1</sup> in Example 2 is S.

Claims 1-14, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruckle et al., U.S. Patent Application Publication 2004/0092561, for reasons of record and stated above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda L. Coleman whose telephone number is 571-272-0665. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brenda L. Coleman  
Primary Examiner Art Unit 1624  
April 5, 2007